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IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1977

No. 77-888

JOSEPH VITEK, Individually and as Director of the Department of Correctional Services; ROBERT PARRATT, Individually and as Warden of the Nebraska Penal Complex; JACK CLEAVENGER, Individually and as Director of the Department of Public Institutions; KLAUS HARTMANN, M.D., Individually and as Superintendent of the Lincoln Regional Center; BENJAMIN COATES, Individually and as head of the Security Building, Lincoln Regional Center,

Appellants,

vs.

CHARLES MILLER, WILLIAM GEORGE FOOTE, and LARRY D. JONES,

Appellees.

ON APPEAL FROM A THREE-JUDGE COURT OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

APPELLANTS' BRIEF ON THE QUESTION OF MOOTNESS

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The plaintiff-intervenor, Larry D. Jones (appellee), was convicted of the crime of robbery and sentenced to the Department of Correctional Services of the State of Nebraska for a term of three to nine years from the District Court of Douglas County, Nebraska, which sentence he commenced serving in the Nebraska Penal and Correctional Complex on May 30, 1974 (R73; attached Ex. A). The crime of robbery is punishable by imprisonment in the Nebraska Penal and Correctional Complex for a term of not less than three years and not more than fifty years. (Neb.Rev. Stat. §28-414 (Reissue 1976).)

The maximum term of the appellee's indeterminate sentence expires on May 20, 1983.

Of course, there are possibilities of accumulating "good time" while serving a sentence. Neb.Rev.Stat. §83-1,107 (Reissue 1976), provides:

> "(1) The chief executive officer of a facility shall reduce for good behavior the term of a committed offender as follows: Two months on the first year, two months on the second year, three months on the third year, four months for each succeeding year of his term and pro rata for any part thereof which is less than a year. The total of all such reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted:
>
> "(a) From his minimum term, to determine the date of his eligibility for release on parole; and
>
> "(b) From his maximum term, to determine the date when his discharge from the custody of the state becomes mandatory.
>
> "(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited,withheld and restored by the chief executive officer of the facility, with the approval of the director after the offender has been consulted regarding the charges of misconduct.
>
> "(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld and restored by the

Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of conditions of his parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.

"(4) Good time or other reductions of sentence granted under the provisions of any law prior to August 24, 1975 may be forfeited, withheld, or restored in accordance with the terms of this act."

Assuming Jones has accumulated the maximum, for purpose of argument, he would have a total of eleven months as of May 30, 1978, under this provision.

Neb.Rev.Stat. §83-1,107.01 (Reissue 1976), provides:

"(1) In addition to the reductions provided in section 83-1,107, an offender shall receive, for faithful performance of his assigned duties, a further reduction of five days for each month of his term. The total of all such reductions shall be deducted from his maximum term to determine the date when his discharge from the custody of the state becomes mandatory.

"(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility, with the approval of the director after the offender has been consulted regarding any charges of misconduct.

"(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld, and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director."

Again assuming the maximum accumulation, Jones would have 240 days or eight months as of May 30, 1978, under this provision. Thus, under the above two statutes Jones could accumulate nineteen months to come off his maximum term or a discharge date of December 30, 1981. His tentative discharge date at this time is actually March 28, 1982 (Ex. B attached).

Neb.Rev.Stat. §83-1,108 (Reissue 1976), provides:

"(1) The Board of Parole shall reduce for good conduct in conformity with the conditions of his parole, a parolee's parole term by two days for each month of such term. The total

of such reductions shall be deducted from his maximum term, less good time reductions granted under the provisions of sections 83-1,107 and 83-1,107.01, to determine the date when his discharge from parole becomes mandatory.

"(2) Reductions of the parole terms may be forfeited, withheld, and restored by the Board of Parole after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of his parole."

Another twenty-four days a year could be earned here since Jones went on parole, but this would be insignificant on the present question.

All of the foregoing is, of course, speculative at this time. In addition, at the time Jones was sentenced all institutional good time was deducted only to determine eligibility for parole, but not from the maximum term to determine the discharge date (83-1,107 (Reissue1971)). This statute was amended to its present form in 1975 and is treated by the state as not retroactive. The foregoing three statutes are all of the Nebraska "good time" provisions.

Neb.Rev.Stat. §83-1,118 (Reissue 1976), provides:

"(1) If, in the opinion of the Board of Parole, a parolee does not require guidance or supervision, the board may dispense with and terminate such supervision.

"(2) The Board of Parole may discharge a parolee from parole at any time if such discharge is compatible with the protection of the public and is in the best interest of the parolee.

"(3) The Board of Parole shall discharge a parolee from parole when the time served in the custody of the Department of Correctional Services and the time served on parole equals the maximum term less all good time reductions granted in accordance with the provisions of this act.

"(4) The Department of Correctional Services shall discharge a legal offender from the custody of the department when the time served in the facility equals the maximum term less all good time reductions granted in accordance with the provisions of this act.

"(5) Whenever any committed offender shall have completed the lawful requirements of his sentence, the Director of Correctional Services shall issue a certificate of discharge to such offender, and such certificate shall restore the civil rights of such committed offender as though a pardon had been issued."

As will readily be seen, subsections (3) and (4) of the above section are the only two portions thereof which determine as of statutory right when the appellee would be entitled to a discharge. If he were on parole at the time his maximum sentence is served less good time credits, the Parole Board must discharge him; if he is in the custody of the department when his maximum term less good time expires, the department must discharge him. In either of the above cases the Director of Correctional Services then issues a certificate of discharge which restores the civil rights of the offender as though a pardon had been issued.

In November, 1977, shortly after the injunction issued in this case, appellee Jones was placed on a very limited parole "to obtain inpatient psychiatric medical services" at the Veterans' Administration Hospital "only," Danville, Illinois (Ex. C attached). He is presently under investigation for violation of even this limited assignment.

The judgment of the United States District Court in the present case not only finds that Neb.Rev.Stat. §83-180(1) (Reissue 1976) is unconstitutional but enjoins the defendants from transferring appellee Jones to the Lincoln Regional Center without following the mandated procedures at any time before his complete discharge from the State of Nebraska. The three-judge court was aware when said order was entered that Jones was back in the Penal Complex. The judgment provides in part:

> "1. That §83-180(1), Nebraska R.R.S. 1943, is declared to be unconstitutional as applied to the plaintiffs in that it denied the plaintiffs due process of law;
>
> ". . . .
>
> "3. That the defendants are enjoined from transferring the plaintiff-intervenor Larry D. Jones, at any time before his complete discharge from the custody of the State of Nebraska on the criminal sentence which he is now serving, from the Nebraska Penal and Correctional Complex to the Lincoln Regional Center, except by a procedure which includes each of the following: . . ."

The appellants claim not only the right to transfer the appellee for examination, study and treatment at the Lincoln Regional Center in accordance with §83-180, supra, so long as he remains in the custody of the state, but also they consider the statutory procedure the better and intend to follow it "but for" the injunction. Appellants are also under duty to protect the citizens under the statutes of the State of Nebraska. Insofar as the duty to the citizens of the state, Neb.Rev.Stat. §83-171 (Reissue 1976), provides:

> "There is hereby created a Department of Correctional Services which shall:
>
> "(1) Maintain and administer the Nebraska Penal and Correctional Complex, the Nebraska Center for Women, the Youth Development Center-Kearney and the Youth Development Center-Geneva and such other facilities as may be required for the custody, control, correctional treatment and rehabilitation of persons committed to the department, and for the safekeeping of such other persons as may be remanded thereto in accordance with law;
>
> "(2) Supervise persons committed to the department on parole and administer parole services in the facilities and in the community; and
>
> "(3) Develop policies and programs for the correctional treatment and rehabilitation of persons committed to the department."

While the Parole Board has legal custody of an inmate on parole, the appellant Vitek's department supervises persons on parole.

Neb.Rev.Stat. §83-173 (Reissue 1976), provides in part as follows:

> "The Director of Correctional Services shall:
>
> ". . . .
>
> "(3) Establish and administer policies and programs for the operation of the facilities in the department and for the custody, control, safety, correction and rehabilitation of persons committed to the department;
>
> ". . . .
>
> "(7) Designate the place of confinement of persons committed to the department subject to the provisions of section 83-176."

Neb.Rev.Stat. §83-1,116 (Reissue 1976), provides in part:

> "(1) When a committed offender is released on parole, the Board of Parole shall require as a condition of his parole that he refrain from engaging in criminal conduct. The board may also require, either at the time of his release on parole or at any time while he remains on parole, that he conform to any of the following conditions of parole:
>
> ". . . .
>
> "(f) Submit himself to available medical, psychological, psychiatric or other treatment."

The present situation is clearly distinguishable from cases considering whether or not a prison inmate is entitled to certain due process procedures on the question of obtaining a parole. This Court has, of course, found such recent cases as New York State Parole Board v. Coralluzzo, No. 77-567 (March 6, 1978), and Scott v. Kentucky Parole Board, 429 U.S. 60 (1976), as possibly moot because a parole was granted by the time the case reached this court.

In the Coralluzzo case the lower court had ordered the parole authority to follow certain due process procedures in setting the minimum period of imprisonment (MPI) of Coralluzzo which would pave the way for the inmate's parole. In Scott the lower court had found that due process procedures were unnecessary and denied granting an injunction against the Parole Board. The grant of parole was determined to have cured the problem in both cases.

In the present case the three-judge court has enjoined appellant prison authorities from transferring the appellee prison inmate without following the procedures ordered, at any time before his complete discharge from the custody of the State of Nebraska from the criminal sentence which he is now serving.

This is an existing and immediate restraint upon the full and complete exercise of the rights and duties of the prison authorities and the State of Nebraska as conferred and assigned to them by the legislative arm of the state. Whether appellee Jones is on a limited parole to another mental hospital (as he is now) or assigned to some other facilitity, he remains in the

custody of the State of Nebraska. The only circumstances which would relieve the appellants of said injunction would be a complete discharge or death of appellee Larry D. Jones. Discharge will not come about as of any right of appellee Jones until several years from the present time.

The appellants consider, because appellee Jones' history of mental illness indicates a serious threat to his own safety, as well as to that of others, and the number of years he has left to serve before he is entitled to a complete discharge, that there is a very real expectation that the situation which the lower court termed "wrong" will recur; therefore the need for both the appellants and appellee to have a determination of the legal procedure continues to exist. The situation is similar to the rule often followed by this Court as stated in United States v. W. T. Grant Company, 345 U.S. 629, 97 L.Ed. 1303, 73 S.Ct. 894, which involved an action brought by the United States to enjoin one from holding interlocking directorships. In that case the specific interlocks charged had been voluntarily terminated and defendants disclaimed any intention to resume them. While the Supreme Court held that the lower court was within its discretion in dismissing the case, it emphasized that voluntary cessation of allegedly illegal conduct did not make a case moot. This Court further stated:

> ". . . The defendant is free to return to his old ways. This, together with a public interest in having the legality of the practices settled, militates against a mootness conclusion. . . ."

The Court then went on to state:

> "The case may nevertheless be moot if the defendant can demonstrate that 'there is no reasonable expectation that the wrong will be repeated.' The burden is a heavy one. . . ."

In the more recent case of NLRB v. Raytheon Co., 398 U.S. 25, 26 L.Ed.2d 21, 90 S.Ct. 1547, the lower court held in a labor dispute that an intervening election in compliance with the Labor Relations Board's order made the case moot. This Court, however,

held that the employer's compliance with the order of the Board did not render the cause moot depriving the Board of its opportunity to secure enforcement from a court. This Court, quoting from United States v. W. T. Grant Company, supra, went on to state:

> "Undoubtedly, as the Court recognized in NLRB v Jones & Laughlin Steel Corp., 331 US 416, 428, 91 L Ed 1575, 1582, 67 S Ct 1274, reh den 331 US 868, 91 L Ed 1872 (1947), there are situations where an enforcement proceeding will become moot because a party can establish that 'there is no reasonable expectation that the wrong will be repeated.' . . . Nothing in the record here shows that the specific acts complained of have not been repeated or gives any assurance that they will not be repeated in the future. Cf. United States v Concentrated Phosphate Export Assn., 393 US 199, 203, 21 L Ed 2d 344, 348, 89 S Ct 361 (1968); Wirtz v Local 153, Glass Blowers Assn., 389 US 463, 474-475, 19 L Ed 2d 705, 714, 88 S Ct 643 (1968)."

As stated earlier, appellants feel that it is very likely that the acts complained of in the present case would be repeated by appellants but for the injunction and that it is legally right and proper that appellants do so.

In another labor case involving a private company and guards at a company plant during World War II who were primarily military in nature in which the company had refused to bargain with a union selected by the militarized plant guards, the NLRB ordered the company to bargain. Subsequent to the company's refusal to bargain, the guards were demilitarized and the question arose whether this made the Board's order moot. This Court stated in part:

> ". . . The fact that the guards were subsequently demilitarized did not affect their status as employees at this crucial juncture; nor did it relieve respondent of any duty to bargain that it might otherwise have had at that point.
>
> "The Board's order moreover, was a continuing direction to bargain collectively with the union designated by the guards. Demilitarization has not dispensed with whatever duty respondent may have now or in the future to comply with that order. . . ." NLRB v. Atkins, 331 U.S. 398, 91 L.Ed. 1563, 67 S.Ct. 1265.

It appears to us that the injunction in the present case is a continuing direction to follow the due process procedures mandated until appellee Jones is discharged from custody of the State of Nebraska similar to that in the above case and that all parties and the public have an "interest in having the legality of the practices settled. . . ." United States v. W. T. Grant Co., supra.

In DeFunis v. Odegaard, 416 U.S. 312, 40 L.Ed.2d 164, 94 S.Ct. 1704, the plaintiff had been denied admission to a law school and brought suit on his own alleging discrimination and requesting a mandatory injunction to require the school to admit him.

The lower court issued the injunction and he was admitted. However, by the time the appeal of the law school reached this Court plaintiff was about to graduate and counsel for the law school made it clear that the law school would not in any way seek to abrogate plaintiff's registration. This Court stated in part:

> "There is a line of decisions in this Court standing for the proposition that the 'voluntary cessation of allegedly illegal conduct does not deprive the tribunal of power to hear and determine the case, i.e., does not make the case moot.' . . . These decisions and the doctrine they reflect would be quite relevant if the question of mootness here had arisen by reason of a unilateral change in the admissions procedures of the Law School. For it was the admissions procedures that were the target of this litigation, and a voluntary cessation of the admissions practices complained of could make this case moot only if it could be said with assurance 'that "there is no reasonable expectation that the wrong will be repeated."' United States v W.T. Grant Co. supra, at 633, 97 L Ed 1303. Otherwise, '[t]he defendant is free to return to his old ways,' id., at 632, 97 L Ed 1303, and this fact would be enough to prevent mootness because of the 'public interest in having the legality of the practices settled.' Ibid. But mootness in the present case depends not at all upon a 'voluntary cessation' of the admissions practices that were the subject of this litigation. It depends, instead, upon the simple fact that DeFunis is now in the final quarter of the final year of his course of study, and the settled and unchallenged policy of the Law School to permit him to complete the term for which he is now enrolled."

We believe the situation in the present case is very similar to what this Court said DeFunis was not in the above quote; that is, the appellants in the present case have not voluntarily ceased its transfer practices, there is a reasonable expectation that the wrong will be repeated, but for the injunction, the appellants are likely to return to their "old ways" and the appellee Jones is nowhere near a final discharge or recovered from his mental illness.

In the DeFunis case the Court went on to discuss another principle, stating:

> "It might also be suggested that this case presents a question that is 'capable of repetition, yet evading review,' Southern Pacific Terminal Co. v ICC, 219 US 498, 515, 55 L Ed 310, 31 S Ct 279 (1911); Roe v Wade, 410 US 113, 125, 35 L Ed 2d 147, 93 S Ct 705 (1973), and is thus amenable to federal adjudication even though it might otherwise be considered moot. . . ."

While it was determined in the DeFunis case that such a situation did not or would not probably exist, it is most likely in the present case and in the prison situaton. If the mere granting of a limited parole can moot the question of the proper procedures for transfer to a mental institution within the prison system, even though the prisoner will for several years remain in the legal custody of the state, repetition without review is inevitable, because it is within the policy and goals of the public and the penal authorities to grant early paroles--especially for outside psychiatric services.

In Gray v. Sanders, 372 U.S. 368, 9 L.Ed.2d 821, 83 S.Ct.801, a qualified voter in both primary and general elections, brought an action to restrain the use of the state's county unit system as a basis for counting votes in the Democratic Primary for a United States Senator and state-wide officers.

Thereafter the Democratic Party voted to hold the 1962 election on a popular vote basis. An injunction was issued against following the 1962 Act including the state's county unit system. This Court stated:

> ". . . But for the injunction issued below, the 1962 Act remains in force; and if the complaint were dismissed it would govern future elections. In addition, the voluntary abandonment of a practice does not relieve a court of adjudicating its legality, particularly where the practice is deeply rooted and long standing. For if the case were dismissed as moot appellants would be 'free to return to . . . [their] old ways.' United States v W. T. Grant Co. 345 US 629, 632, 97 L ed 1303, 1309, 73 S Ct 894."

So in the present case the lower court has enjoined the appellants from following Neb.Rev.Stat. §83-180 (Reissue 1976), the statute which gives them the procedure for transfer, and if the complaint is dismissed, said section would govern future transfers, including, very likely, appellee Jones.

In Super Tire Engineering Co. v. McCorkle, 416 U.S. 115, 40 L.Ed.2d 1, 94 S.Ct. 1694, an employer, whose plants had been struck by a labor union,brought an action for declaratory judgment and an injunction against state welfare officials to prevent the determination of eligibility of the strikers to receive welfare benefits while on strike. The strike ended and it was contended that the case was therefore moot. This Court stated in part:

> ". . . To require the presence of an active and live labor dispute would tax the litigant too much by arbitrarily slighting claims of adverse injury from concrete governmental action (or the immediate threat thereof). It is sufficient, therefore, that the litigant show the existence of an immediate and definite governmental action or policy that has adversely affected and continues to affect a present interest. Otherwise, a state policy affecting a collective-bargaining arrangement, except one involving a fine or other penalty, could be adjudicated only rarely, and the purposes of the Declaratory Judgment Act would be frustrated."

Because the appellants contend that the policy contained in the statute in question is the proper and best procedure, they continue to assert an immediate and definite governmental policy that has adversely affected and continues to affect a present interest every bit as much as the interest of the strikers and/or the welfare officials were in that case.

We emphasize, as we did in the Jurisdictional Statement, that the three-judge court rendering the judgment in the present case consisted of two of the three district judges for the District of Nebraska and a judge from the United States Court of Appeals for the Eighth Circuit. If this judgement is permitted to stand, the officials of the Department of Correctional Services and the Department of Public Institutions will be constrained to follow its burdensome procedures, not only in every case of a transfer of a prison inmate to a mental hospital, but also in transfers of other inmates to facilities outside the Department of Correctionsl Services under the threat or fear of forfeiting their qualified immunity (thus encouraging actions for damages) for knowing failure to follow this precedent in the district.

Obviously, if they cannot transfer Larry D. Jones, appellee, while he is in custody, they cannot, without such procedure, transfer any other prison inmate for similar treatment or rehabilitation.

We realize that the last paragraph does not technically relate directly to the mootness issue, but from a common sense, realistic view, this is a very important consideration in the minds of the individuals called upon to operate the prison system.

Alternatively to all the above, should the Court dismiss for mootness, we respectfully pray that the Judgment of the lower court be dismissed and vacated to assure the appellants not only their freedom to act as to the present appellee, but also that this case not become res judicata to future actions.

Respectfully submitted,

PAUL L. DOUGLAS, Attorney General
State of Nebraska

By Melvin Kent Kammerlohr
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Assistant Attorney General
Members of the Bar of the
Supreme Court of the United States
2115 State Capitol Building
Lincoln, Nebraska 68509
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Attorneys for Appellants

THE STATE OF NEBRASKA,	Plaintiff,		JUDGMENT AND SENTENCE
vs.		89-41	INFORMATION: Robbery
Larry Dean Jones,	Defendant,		

Now, on this day, comes the County Attorney on behalf of the State of Nebraska. The defendant, Larry Dean Jones, present in Court with counsel J. Cripe.

Thereupon, said defendant is arraigned for sentence upon his plea of guilty to the charge of Robbery, as heretofore entered herein, and is informed by the Court of the nature of his said plea, of the consequences thereof, and of the penalty attached by law thereto; and, after being thus advised and instructed, the said defendant still adheres to his said plea of guilty and says he desires to stand thereon. Whereupon, said defendant is inquired of if he has anything to say why judgment should not be pronounced against him. Showing no good and sufficient cause why such judgment should not be pronounced,

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the defendant, Larry Dean Jones, be taken hence to the Douglas County Jail and that thence within thirty (30) days and as early as practicable, he be delivered by the Sheriff of Douglas County to the NEBRASKA PENAL AND CORRECTIONAL COMPLEX, in Lancaster County, Nebraska, for imprisonment at hard labor, for an indeterminate period of not less than Three (3) years nor more than Nine (9) years, this 31st day of May A. D. 1974, no part of which said period of time is by virtue of this sentence to be spent in solitary confinement and that he pay the costs of this prosecution, taxed at $_____.

Said sentence to commence on February 9, 1974.

Honorable THEODORE L. RICHLING Judge Presiding

EX. A

STATE OF NEBRASKA, }
COUNTY of DOUGLAS } ss.

I, MARVIN S. REIFSCHNEIDER, Clerk of the District Court, Fourth Judicial District of Nebraska, within and for said County, do hereby certify that the above and foregoing is a true and correct copy of JUDGMENT AND SENTENCE rendered and entered of record on the 31st day of May, 1974 in Journal 1214 on the date aforesaid and designated as Criminal Docket 89 Number 41, in a cause in said Court wherein THE STATE OF NEBRASKA is

Plaintiff and LARRY DEAN JONES is

Defendant as the same appears fully upon the records and in the files of said court now in my charge remaining as Clerk aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and affixed the seal of said Court at Omaha, this 31st day of May, A. D. 19 74.

MARVIN S. REIFSCHNEIDER
Clerk

BY Marie S Domisch Clerk
Deputy

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The State of Nebraska,

Plaintiff,

vs.

Larry Dean Jones,

Defendant.

I hereby certify that this is a true copy of the original writ with all the endorsements thereon.
THEODORE J. JANING,
Sheriff

By _____ Deputy

Certified Copy

JUDGMENT AND SENTENCE

From the
District Court of Douglas County
OMAHA, NEBRASKA

J. James Exon, Governor

STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Robert F. Parratt
Warden

NEBRASKA PENAL & CORRECTIONAL COMPLEX
P. O. Box 81248, Lincoln, Nebraska 68501

April 4, 1978

STATEMENT

RE: JONES, Larry NP&CC #29327

I, James R. Lyons, office manager and custodian of records for the Nebraska Penal and Correctional Complex, do hereby certify that the following information is furnished from our permanent records:

Mr. Larry Jones #29327 was received and began a sentence of three to nine years on May 31, 1974 on commitment from the District Court of Douglas County Nebraska.

He was paroled on November 17, 1977. His tentative discharge from parole presently reads March 23, 1982.

I further certify that the attached copies of the commitment and the parole agreement are exact copies of those contained in our official files.

James R Lyons

JAMES R. LYONS
Records and Office Manager
Nebraska Penal & Correctional Complex

Subscribed to and sworn before me this 4th day of April, 1978.

Dept. of Justice

APR 4 1978

State of Nebraska

EX. B.

STATE OF NEBRASKA
BOARD OF PAROLE

CERTIFICATE OF PAROLE

WHEREAS, the Nebraska Board of Parole acknowledges that,

Larry Dean Jones No. NPCC# 29327 presently confined at the Nebraska Penal and Correctional Complex is eligible for parole.

WHEREAS, the Board of Parole, after careful consideration, believes that there is a reasonable probability said individual will lead a law abiding life and further believes that the release of said individual on parole is compatible with the welfare of society:

NOW, THEREFORE, be it known that the Nebraska Board of Parole, under the authority vested in it by law, does grant said subject's release on parole from said institution at such time as a satisfactory parole program has been established by the Parole Administration. Upon being paroled and released, said parolee shall be in the legal custody and under the control of the *Nebraska Board of Parole,* subject to the rules, regulations and conditions of parole as set forth in this document.

Signed in quadruplicate this 17th day of November 19 77

CHAIRMAN

(Over)

CONDITIONS OF PA OLE

ABSCONDING: I WILL KEEP MY PAROLE OFFICER ADVISED OF MY WHEREABOUTS AT ALL TIMES. L.D.J.

LAWS: I will obey all laws, ordinances and orders. If arrested, for any reason, I will INITIAL immediately contact my parole officer.

ASSOCIATES: I will refrain from associating with persons known to me to be engaged in criminal activities, or of questionable character or, without written permission of my parole officer, with persons known to me to have been convicted of a crime.

WEAPONS, NARCOTICS, ALCOHOL: I will not own, possess, use or sell any dangerous weapon or illegal narcotic /OR CONTROLLED SUBSTANCE nor will I be found under the influence of alcohol during this period of parole.

DIRECTIVES: I will immediately contact my parole officer upon being granted a parole. I will submit a monthly report to him by the fifth day of each month and will report in person at such time and place as my parole officer requests and will follow his directives.

TRAVEL: I will receive a travel permit before leaving the State of Nebraska and will receive verbal permission of my parole officer before leaving the county to which I am paroled. (IT IS A FELONY FOR A PAROLEE TO LEAVE THE STATE WITHOUT WRITTEN PERMISSION; PUNISHABLE BY UP TO FIVE YEARS IMPRISONMENT.)

EMPLOYMENT/ RESIDENCE: I will maintain acceptable full-time employment and approved residence during this period of parole; and, I will receive my parole officer's permission prior to changing either my employment or residence. My immediate placement upon being granted a parole is: Not required (Employment)

V.A. Hospital, Danville, Illinois (To obtain in-patient, psychiatric medical services) (Residence)

FINANCIAL OBLIGATIONS: I will provide for the financial needs of my family and will not incur any unnecessary debts.

SEARCH AND SEIZURE: I will permit my parole officer to inspect my residence, place of employment, or vehicle at his request.

SPECIAL CONDITIONS: Upon arrival report in person to: Urbana Parole Office, Phone: (217) 333-8433. PAROLE TO THE V.A. HOSPITAL ONLY. ANY PROGRAM TERMINATION WITHOUT AGREEMENT FROM HOSPITAL STAFF AND PAROLE AUTHORITIES WILL BE GROUNDS FOR PAROLE REVOCATION ACTION.; and, also,

Ck.	Init.	
—	———	Will submit to medical/psychological treatment.
—	———	Will attend marriage counseling sessions.
—	———	Will not consume alcohol.
—	———	Will not own or drive a vehicle.
—	———	Will not apply for credit cards/checking accounts.
—	———	Will not marry without advanced approval of the Board of Parole.

I, Larry Dean Jones NPCC# 29327, an inmate of the Nebraska Penal & Correctional Complex hereby declare that I have carefully read, or heard read, and do clearly understand the contents and conditions of the above parole, and, I hereby accept the same, and do pledge myself to faithful compliance of said conditions. I fully understand that if while under parole status I am charged for an alleged violation(s) of the conditions of my parole, I shall be afforded a Probable Cause Hearing. I also fully understand that the Board of Parole may order my return to the appropriate correctional facility to answer any alleged violation charge(s) and do hereby agree to freely and voluntarily accompany any Board of Parole representative from any location in the United States to this appropriate facility. I also fully understand that if it is determined by the Board of Parole that I have violated the conditions of my parole, said parole may be revoked, and/or in addition any and all good time given towards the reduction of my sentence may be forfeited or withheld by the Parole Administrator, with the approval of the Director of the Department of Correctional Services. I hereby freely waive all formality of legal proceedings and shall willingly return to the appropriate Nebraska correctional facility, without the Governor's requisition, when such return is ordered by the Board of Parole.

Donald L. Parker — 11-17-77 (DATE) — WITNESS

Larry D. Jones — 11-17-77 (DATE) — PAROLEE'S SIGNATURE

EX. C